

REMARKS

This communication responds to the Final Office Action of October 13, 2010, in which the Examiner rejected claims 29-30 and 32-42 under 35 U.S.C. § 112, first paragraph, and claims 1-3, 6-15, 17-30, 32-42 and 59 under 35 U.S.C. § 112, second paragraph.

By this paper, claims 1, 17, 20, 29, and 59 have been amended and claims 43-47 have been cancelled.

In view of the amendments and the following remarks, reconsideration and allowance are respectfully requested.

Interview Summary

The January 7, 2011, interview between Examiner Ramana and Adam Bramwell is appreciated. During the interview, claims 1, 29, and 50 of the present application and the § 112 rejections of the Office Action were discussed. While formal agreement was not reached, pursuant to the interview, it is understood that the pending claims, as amended herein, overcome the § 112 rejections. It is believed that all outstanding issues were resolved in the interview. However, the Examiner is invited to contact the undersigned or Adam Bramwell (612-492-6692) if any issues remain.

Claim Rejections Under 35 U.S.C. §112

Claims 29-30 and 32-42 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

The claim term “substantially” has been omitted from claim 29. Reconsideration and withdrawal of the rejection are thus respectfully requested.

Claims 1-3, 6-15, 17-28, 29-30, 32-42 and 59 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claims 1 and 59 have been amended to recite “facing the proximal end of the chisel” in lieu of “facing in said proximal direction.”

With respect to the rejection of claim 29, claim 29 has been amended to clarify the structure being claimed. Applicants direct the Examiner to FIG. 11 of the present application which provides an example of a top plan view of a chisel 74. With respect to the claim phrase, “a tangent to the blade cutting edges lying in a second plane normal to the first plane, the second plane being inclined relative to the longitudinal axis and relative to the opposing side surfaces in a direction toward the proximal end, the blade cutting edges each having a portion in which a tangent thereto intersects a side surface of the chisel in a top plan view at an acute angle,” the plane of the page provides an example of the first plane, a plane that includes one of the segments of the V-shaped edge 92 and extends normal to the first plane provides an example of the second plane, one of the segments of the V-shaped edge 92 provides an example of a tangent to the edge 92 lying in the second plane, and one of the segments of the V-shaped edge 92 provides an example of a tangent to the edge 92 intersecting a side surface (e.g., side surface 104) at an acute angle.

In view of the foregoing, reconsideration and withdrawal of the § 112 rejections are respectfully requested.

Allowable Subject Matter

Applicants acknowledge and appreciate the indication that claims 1-3, 6-15, 17-30, 32-42, and 59 would be allowable if amended to overcome the rejections under 35 U.S.C. § 112, and that claims 60-61 are allowed.

Conclusion

This response is being submitted on or before February 13, 2011, with the required fee for a one-month extension of time, making this a timely response. It is believed that no additional fees are due in connection with this filing. However, the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment and notify us of same, to Deposit Account No. 04-1420.

This application now stands in allowable form and reconsideration and allowance are respectfully requested.

Respectfully submitted,

Customer Number 11656

Date: 1 / 20 / 11

By: Kenneth E. Levitt
Kenneth E. Levitt, Reg. No. 39,747
(612) 340-2755